

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 20, 2016

A Regular Meeting was held by the Board of Trustees on Tuesday, September 20, 2016 at 7:30 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Meg Walker, Trustee Nicola Armacost, Trustee Daniel Lemons, Trustee Walter Stugis, Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto.

CITIZENS: Fifteen (15).

APPOINTMENTS

Mayor Swiderski: For the Safety Council, Mary McDonald to fill a term expiring in 2018. In advance of the service record rendered, thank you.

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Lemons with a voice vote of all in favor, the Minutes of the Regular Meeting of September 6, 2016 were approved as presented.

APPROVAL OF WARRANTS

On MOTION of Trustee Armacost, SECONDED by Trustee Lemons with a voice vote of all in favor, the following warrant was approved:

Multi-Fund No. 21-2016-17 \$276,182.98

PUBLIC COMMENT

John Gonder, 153 James Street: Your comments were given to me about the last meeting in regard to crooked politicians. I never accused anyone on the Board of being a crooked politician, but what I do say is we have many crooked politicians. I said one-third were honest. I was talking about judges also, elected officials. I was talking about federal government state government and you cannot even get ethics approved up there and how they run the state. And also district attorneys and other people. I argue with you people a lot of times in regard to ethics. On one hand, with BP you are asking for \$1,000 for Friday Night Live and other things, and then you are trying to deal with them. I found out from our last attorney you can do that, but I still think it is unethical.

The last meeting or two meetings ago a woman was thanking you for a letter written for those arrested on the Algonquin Trail for either stopping people from working or trespassing, I am not sure. You wrote a nice letter, and she thanked you. I hope it was written as a citizen rather than a mayor. I do not know how it was, but if a mayor I think it was unethical because you made a pledge on the Bible that you are supposed to follow the state laws. Again, we have a big disagreement in regard to the Saw Mill Lofts. They are going to give you one acre of land a little bridge across the Putnam Trail, et cetera. I would have rather seen a large supermarket there. And you got upset when I said about the building in between that is segregated. I do not think we want that. Segregation should be out, and I just pointed that out so we could maybe improve our system. You did say we got more units, but I know in your ordinance it says for so many you get 10 percent.

In regard to Artis, we had the same thing: we may give you some property on the west side. Mr. Stugis was the one that I liked his answer for the firemen because some day we are going to need a paid fire department because every parade I see these men getting older and older and not too many young ones. I praise Meg Walker for turning it down, but it is going. I will just give you one example. I think it is Greeley in Chappaqua, a school, and a teacher molested people, a 15- and 16-year-old. They start blaming the students, and something is wrong. And some of the judges I know, a kid raped a girl and he was drunk or something and he gets away with almost murder. No time at all. This is what gets me upset.

Pam Battle, Flowing Rivers Acupuncture: I am at 603 Warburton. I also live in the Greystone neighborhood. Many of us in the Greystone neighborhood consider ourselves honorary members of the Dobbs and Hastings community because we love to shop and dine here. What I wanted to bring to your attention is both opportunities and concerns from our neighborhood.

I am a founding member of our River Communities Coalition. We have worked for the last 20 years in the Greystone neighborhood to represent the interests of residents there. We have gone through a tremendous period of development that we were not entirely happy with, but we did get some concessions along the way. We are able to pass a steep slope ordinance in Yonkers as a result of some development failures and problems. We are able to downzone northern Warburton from 10-story to three-story zoning. We protected the wetlands and pushed back the size of the developments like River Tides, originally was over 700 units 18 years ago when it was supposed to break ground. It finally broke ground last year for 334. And we elected one of our founding members to Yonkers city council, Mike Sabatino.

First, I want to talk about the mutual opportunities. There are approximately a thousand families that live there now, and in the next two to three years 450 families are going to

move into that neighborhood because that is how many new units we are getting through three developments that are landing on us. Many of the residents are empty nesters from nearby towns, and they love to shop and dine in Hastings and Dobbs. We are already at capacity for street parking. It is one of the limiting factors to business growth on evenings and weekends because there just is not room to park sometimes.

Since there are no local amenities in Greystone, most residents already come this way to shop and dine. But the big crush for all of us, if you win-win we could get better local public transportation. You may not be aware of it, but after seven at night and on weekends buses do not run very often if they run at all. And the trains only run once an hour. Actually, coming from the Greystone station into that neighborhood is not that friendly at night for residents. If there was good local public transportation it would be a benefit to local merchants and business, and it would be a benefit to our community because it might help the parking squeeze.

The other thing I want to share with you is concerns about the nursing home development. We had three failed developments from blasting, and we now insist that developers have a bond to protect local homeowners. I invite you come walk my neighborhood some time.

David Skolnik, 47 Hillside Avenue: My comments are related to the 9-A development. It is not clear if you intend to allow public comment during that discussion, in which case I would forego comment now.

Mayor Swiderski: Make your comment now.

Mr. Skolnik: OK. Am I to understand that you are not going to have public comment?

Mayor Swiderski: We were not planning to, but if it is something that would make sense to have it I do not yet know how that is going to go. So if you have a preliminary comment I will not shut you off if it turns out that way.

Mr. Skolnik: Again, my thing is process. I was disturbed when I watched the last meeting. Maria Silver got up to speak at the end of public comment to address this issue, and you indicated that you had not planned, to take public comment at that time because this was a presentation and that there was going to be ample opportunity going forward for that. By the end of the last meeting, you perhaps misspoke, as you were aware because you corrected yourself right away, you said the next meeting we will pass this proposal. I was disturbed at that because I do not suppose that presentation at the last meeting was the first time any of you had seen this proposal. But if it was, then it is certainly not enough time for you to think about it. The main point I am trying to convey either now or later is that I think you

need to postpone voting on this issue. You need to have a significant discussion which, unfortunately, was something Mr. Bass was advocating against: having any further conversation. This is a complicated issue, and let me be clear. I think that intersection is very much in need of being addressed. I am not against having to address it. But there is so much more that needs to be addressed in a measured way, and so much even in the proposal that you put forward that needs to be addressed, that out of respect for yourself you need to give yourself some more time, and, out of respect for people who would want to make informed comments.

Maria Silver, 104 Heath Place: I would like to thank whoever it was who took the time to read the input I had into the text, make the corrections on the resolution regarding 9-A Ravensdale, and to do some preliminary pruning of the growth there. Thank you.

Kelly Topilnycky, 18 Maple Avenue: I want to thank you for your assistance with the parking situation on Maple during the parade. Appreciate reconsidering allowing us at least to park on one side. The other thing is during the parade. I still am concerned about providing proper parking for disabled spectators to come. I am hoping maybe somebody can think of a flat space to allocate some parking close to the parade route for disabled people that want to watch the parade. It is far away to park down here in one of the parking lots if you are starting down on Warburton. Generally, you get a lot of disabled older people coming to these types of events: older firemen that are retired and things like that. If you could have the parade planners consider that it would be very helpful.

Also, I put in a DPW notice of defect for this curb out here. I am concerned because the two cones had warning tape on it, but somebody has ripped it off now. That is a direct sidewalk, it is right across from the library where parade goers are going to be walking. The sidewalk is buckled so I do not know if they want to do a better job of blocking that sidewalk during the parade. I would be worried that somebody would trip over it. The sidewalks in the Village, I wish somebody would walk around them and take a look. There are some that really need repair that have broken and are cracked. They are dangerous safety hazards, not just a plain cracked sidewalk that happens with the wear and tear but buckled types of things, trip hazards. If you could have somebody like Mike Gunther take a look at some of the sidewalks. They are up in here, on Spring and the corner of Spring and Warburton.

Also, Steven Topilnycky is the new coordinator for Toys For Tots for Westchester County. We are seeking volunteers to help us with Toys for Tots; there are a lot of jobs to be done. We supply toys for the majority of Westchester for the children who otherwise would not have a Christmas or get a toy. This program is run by the Marines so we follow a strict code of ethics. You know the toys and any donations are going to the children. We are under a main foundation for Toys For Tots.

Trustee Armacost: How do you want to be contacted?

Ms. Topilnitsky: We have a Toys For Tots website. It is www.t4twestchester.org It is not just volunteering time, but if, say, a merchant wants to collect toys like the recreation department does every year collecting toys for us, they set up a box. We have posters that are given out, and they have people that come in and give toys. You do not have to do it as a one-time event; they keep the box for probably six to eight weeks. Westies donates space to us for a warehouse in Elmsford and all the toys go through there. Last year we had over 20,000 toys come through, and that is not just toys. It is books, it is toys, and we service from newborns all the way to 18 years old.

Andrus is one of the people we give to recipients, Graham School. And Graham School has collected toys for us, as well. It is a give-and-give. We have family services with an office on Main Street. We are agency-based, so the toys go to the agencies which are the ones who give the toys. They go to group homes because we have a lot of group homes in Westchester, unfortunately. We also deal with churches. We are a nondenominational organization.

Patrick Randolph Bell: Later on, maybe an update on the water tower inspection. I read in the paper it was scheduled for the 13th. Maybe let us know if are any preliminary things.

A few weeks ago I showed some of the members of the Board an LED that was in front of The Mill downtown. I wanted to see if you had an update on how you are going to deal with obnoxious lights like that. You all saw that was bad.

A few of the municipalities around here are doing anti-puppy mill laws even though they do not have pet stores. This is a preemptive strike to make it illegal to sell a dog or a cat in a pet store unless it is obtained from a Westchester County animal shelter, the Humane Society, or from a non-profit rescue or human organization registered with the New York State Department of Agriculture. It would be a great thing for us to pass a law just in case. How about breweries and distilleries. If we have zoning allowing that in the downtown area that might be a great thing for the Hastings House. Somebody might like to use that big space for something like that. I think that is being done in Port Chester. I can help you write some of those things, or find the laws and send them to Linda, she can chop them up.

The resolution you are passing today. I still have an objection to a section of that thing. It is very noble, it is very neighborly where it has that automatic crosswalk light. Even the article this week said at 18 cars a day on average go through that intersection, adding an extra 45 seconds where nobody is standing there, nobody is doing anything for the busiest day at that

intersection, could really back up traffic. I thought it was a violation of church and state, the establishment clause. I see a little free exercise, maybe you might want to do it like that. But I do not think it is going to fly. The only thing close I could even find as a precedent is in Westhampton, but that case is totally distinguishable from what this is. Why not four crosswalks instead of only two? People are going to be in the other intersections and on the other corner. They might not be able to get around.

I have been going through the ethics code and who is supposed to file these ethics forms. I talked to Mr. Frobels about his part as the Village Manager to talk to the Village Attorney. I got the 31 ethics annual disclosure forms from this year. I think we are missing about 30 or 40, based on how I read this code. The chair of every department, committee, everything like boards and commissions, including Sue Smith, who is chair of Beautification, Arthur Riolo, congratulations, who just became chair of Affordable Housing. A simple form to fill out. There is a whole list. The Ethics Board has not filled them out. They should have done it; they are violating their own code. Also the Village Attorney, who is listed in here as a village officer because she negotiates contracts. It is nothing bad, it could be easily remedied. But it is violating our own village code and I hope we could fix it.

Mayor Swiderski: I commented, Mr. Gonder, long after you had left last time and I will comment again. I do not tend to react to criticism because of the nature of us sitting up here. On accusations of unethical behavior I do react, and immediately. It is ironic that in one breath you say you have not accused us, then you spent the next three minutes laying out various accusations of unethical behavior. I am going to unpack one of them, where it is idly thrown around without any substance or even having read the document you are referring to: the letter in support of the Montrose, and I do not remember how many were arrested at the time. A woman stood up and thanked me, or the Board incorrectly, for writing a letter.

To be clear, I sent an e-mail to the group asking that it be read aloud at the judge's hearing. It was written from me, signed as the mayor, not at all saying they should be absolved of the crime, acknowledging that they have done something they knew was illegal, but to take into consideration that they had acted on behalf of the community's good and that they were seeking to prevent something they, and many, felt was bad environmentally to the surrounding communities. That was the extent of it. The Board did not vote on it and sign it. It was absolutely from me, and listed as such. It is not unethical, it is not unprincipled, and it is not in violation of my oath. I was not either breaking my oath to uphold the constitution of the State of New York or the U.S., and I was not saying what they had done was legal.

Statements like that are idly thrown around, and I not only reject them but urge they not be thrown around without some basis of fact. The same applies to BP. I understand you might feel it is challenged ethically. We have not had a donation from BP in quite a while, I would

argue probably fortunately, because it eliminates this line of attack. But unfortunately for the Village because if a \$30,000 payment comes in and buys a piece of equipment for the fire department it does not tilt our behavior toward BP in any way but certainly plugs the gap that appreciated. I reject that as well because we simply have not engaged in that activity here and it is not fair.

Just as an aside to Ms. Topilnitsky, I appreciate the concern about the disabled during the parade and we will reach out and see if extra spaces can be secured. Thank you for raising it.

Trustee Stugis: Mr. Mayor, regarding that, a bus comes down from the firefighters nursing home in Hudson, and it is typically frail ex-firefighter elders. I am sure there is some accommodation being made where they are going to get a spot where they can view it in front of their walkers and wheelchairs. Perhaps we could just tack that on.

Mayor Swiderski: Finally, I do not know if we have an update on the water tower. We will fold that into the discussion later on when we are talking about Building52. On LEDs, I have not spoken to the Village Manager. Thank you for reminding me; it was indeed hideous and we will definitely pursue it. It is not something I necessarily want to see a whole lot of.

Trustee Armacost: Beyond adding more, let us get rid of that one.

Mayor Swiderski: But it is a separate discussion, and point noted.

Trustee Armacost: I mean, it really was hideous.

Mayor Swiderski: It is present tense, not past. It is bright.

55:16 IMPROVEMENTS TO INTERSECTION OF 9A AND RAVENSDALE/JACKSON AVENUES

Mayor Swiderski: We have a revised resolution from the original Transportation Working Group resolution. There are enough changes that it probably just makes sense for me to read the whole thing:

WHEREAS, on Oct. 21, 2014, the Hastings-on-Hudson Board of Trustees established a Complete Streets Policy with the purpose and intent to “enhance the safety, access, convenience and comfort of all users of all ages and abilities, including pedestrians (including people requiring mobility aids), bicyclists, transit users, motorists and freight drivers”; and

WHEREAS, the intersection of 9A and Ravensdale/Jackson (the "Intersection") was recently modified (the "Modification") as a mitigation for the Ridge Hill development; and

WHEREAS, the Modification included turning lanes, improved traffic signal, reconstruction of the intersection and a ADA ramp (the "Ramp") on the SE corner of the Intersection; and

WHEREAS, the Ramp was provided to comply with ADA requirements, but the Ramp is functionally useless because the Modifications failed to provide identified crosswalks, pedestrian push-to-walk buttons or signalized pedestrian crossing time to stop traffic in order to provide safe pedestrian passage; and

WHEREAS, there is significant residential population east of the Intersection, including school age children who walk to the Middle and High Schools; and

WHEREAS, Yeshiva Mesivta Menachem has acquired and occupied 49 Jackson Avenue, and the students, faculty and visitors walk to the Village of Hastings and other River Towns crossing the Intersection; and

WHEREAS, there are bus stops on the SE and NW corners of the Intersection; and

WHEREAS, the South County Trailway is effectively unavailable to residents because of difficulty of access; and

WHEREAS, in 2017 a Village-owned park complex at Saw Mill Lofts on Route 9A will be constructed and should be accessible by walking or biking; and

WHEREAS, the sidewalk on the north side of Ravensdale Bridge is undersized and very narrow; and

WHEREAS, the SW and NW corners of the Ravensdale/9A Intersection are overgrown with vegetation, which encroaches on the Intersection; and

WHEREAS, it has been reported that vehicles exceed the speed limit on Ravensdale Bridge and Ravensdale Road, west of the Bridge, to Farragut Avenue; and

WHEREAS, the street pavement on Jackson Avenue, between Mendham Avenue and 9A, westbound, has buckled, which has created an unsafe condition for vehicles approaching the Intersection, now therefore be it

RESOLVED: that the Hastings-on-Hudson Board of Trustees calls on the New York State Department of Transportation to implement the following recommendations:

Install pedestrian crosswalks and signage for pedestrian passage from the SE to SW corner and SW to NW corner of the Intersection;

Install pedestrian push-to-walk buttons on the SE, SW and NW corners of the Intersection;

Reprogram the pedestrian walk time period to be automatic one (1) hour before and one (1) hour after all major Jewish Holidays and Shabbat (Friday sundown to Saturday sundown), or provide for automatic sensors as may be appropriate.

Install Jersey barriers on the north side of Ravensdale Bridge to increase pedestrian safe passage and reduce the width of the westbound travel lane (when Bridge is reconstructed, sidewalk width and travel lane width should address safe pedestrian traffic and vehicular traffic calming); and be it further

RESOLVED: that overgrown vegetation be appropriately pruned to enlarge the corners for pedestrian safety, and be it further

RESOLVED: that copies of this formal request be sent to all elected officials who represent the area surrounding the Intersection, Governor Cuomo, Westchester County Executive Astorino, and Greenburgh Town Supervisor Paul Feiner.

Mayor Swiderski: That is the resolution on the table. Does the Board have any questions or concerns here, or modifications?

Trustee Walker: While I appreciate that they are asking for Jackson Avenue to be re-paved, that is a Greenburgh issue. We are sending this to a larger group of people like the state and so on because it is a state road. Are we mixing apples and oranges here and does it weaken our argument, as much as I would like to have that street be re-paved.

Mayor Swiderski: That could also be said for who is responsible for the pruning.

Village Attorney Whitehead: And where it is, which corner.

Village Manager Frobel: We normally take care of that, Mayor, or DPW forces.

Trustee Armacost: But is it our responsibility, or do we do it because no one else does?

Village Manager Frobel: No one else would do it if we did not do it.

Trustee Armacost: Is it possible to split the resolution into two, and have a resolution which is directed just at Greenburgh?

Village Attorney Whitehead: Some of the items will require Greenburgh and New York State.

Trustee Armacost: I see. But to remove the stuff which only relates to them.

Mayor Swiderski: I am not sure it requires a resolution to make a request to a neighboring town. We do not typically deal with our neighbors by resolution.

Trustee Armacost: I understand putting it in a resolution because we do not think anything will happen unless we put it in something more formal.

Mayor Swiderski: That has not necessarily been the case with Greenburgh.

Trustee Walker: I do not know that we have tried, in this case.

Mayor Swiderski: Right. I agree with you, I do not think it belongs. Regarding the overgrown vegetation, if it is something we can handle ourselves why do we not take that out and deal with it ourselves.

Trustee Walker: Village Manager Frobel brought up the fact that you could do something besides Jersey barriers on the north side of Ravensdale Bridge, which would be a lot cheaper; those plastic barriers you fill with water. Can we say "install Jersey barriers or another form of barrier."

Village Manager Frobel: Sure. I am sure their engineers are going to explore a host of options. They are not going to just rely on one and say no.

Trustee Walker: We would be happy with some form of barrier.

Mayor Swiderski: Right. So Village Manager Frobel, I think you are heading to where I was going to go, which is at best this resolution will provoke a study out of the DOT. In our most fond fantasies, that is what would happen. And the event would not be solely driven by this, but probably something broader at that moment. Once this study starts, they would be looking at the intersection. Would there be another opportunity for public input, or would it be strictly driven by this?

Village Manager Frobel: It could just be done internally. If the DOT believes in some of these actions they could take action tomorrow morning. They would not necessarily get back to us and say we are putting up some kind of barrier on the Ravensdale Bridge. Coincidentally, it is reaction to your proposal but you could go ahead and do that today.

Mayor Swiderski: So they can take action without a further process.

Village Attorney Whitehead: They have an internal process.

Village Manager Frobel: Right, they have the internal process, but they would not necessarily contact us or ask for more input. I would be surprised.

Trustee Walker: The reason I see to have more discussion and more input is to discuss whether there could be additional crosswalks. Are two enough? For now, because of where the sidewalk is on the east side, it seems that one crosswalk is enough. That situation could change. It seems to me it should be a pedestrian-accessible intersection that is safe for pedestrians on all corners. We are asking for what we specifically want, which is fine, but I would not want to preclude the possibility that they might put in other crosswalks.

Mayor Swiderski: That is a fairly ambitious change and it would not likely proceed suddenly. But your point is taken, and does that mean a rework of this or we settle for this and leave it open for others? What are you asking for?

Trustee Walker: We could say "install pedestrian crosswalks, and then the push-to-walk buttons, at a minimum on the southeast and southwest corners of the intersection."

Trustee Lemons: That is a good way to modify it. I am guessing that the selection of those crossings is pragmatic based on what is there now, and at least somewhat pragmatic with the idea of let us ask for something that might have a chance of being acted on. But then to leave that open. My guess is that they are going to sometime act on this, and they would probably study it anyway.

Trustee Armacost: The resolution calls on the Department of Transportation to implement. Should we add to study as well?

Village Manager Frobel: Your desire is to have it implemented. It will be studied. We have met on the scene with their engineers already.

Village Attorney Whitehead: They do not implement anything without studying it. You do not want them to study it, you want them to act.

Trustee Lemons: Do not give them that option.

Trustee Walker: Right.

Trustee Armacost: Mr. Skolnik is saying he would like more study.

Village Attorney Whitehead: The DOT is not going to implement anything without studying it at length. That is the way they work.

Trustee Armacost: But there could be a bunch of other things that are the result of their study that we are maybe not keen on.

Trustee Walker: Or that we could perhaps want and do not happen to be aware of it. We are being so specific here when, in fact, we want an intersection safe for pedestrians generally speaking. I just do not want to rule it out. It is not that critical because, obviously, they are going to study it.

Trustee Armacost: Right. And the Transportation Working Group has studied it a lot also.

Trustee Walker: And they are pragmatic and they identified most of what is necessary. It is what is necessary in terms of the pedestrians who are using it now. And there is no sidewalk on the Mount Hope Cemetery north side.

Village Attorney Whitehead: That is why that was left out.

Trustee Lemons: I like adding "at a minimum." Out of respect for the work they have done because they have looked at this very carefully, I would like to stick with their language.

Trustee Walker: In speaking to Mr. Skolnik's concern about public process, I like the process this has been through. We have a committee that has really looked at this, and a number of citizens have been to the committee meetings and spoken up because they have these concerns. I feel comfortable that we are going about this the right way, in fact.

Mayor Swiderski: It is also not the first time this has been addressed.

Trustee Armacost: And we have received a lot of letters. I receive letters from people who live in that area who feel as if their concern has not been heard and that nothing is happening on it. This feels like it is responsive both to things that have happened under the auspices of the Transportation Working Group, but also before.

Trustee Walker: And there is no one who has come forward and said please do not put crosswalks there.

Trustee Stugis: One point Mr. Bass made two weeks ago which might not be as clearly stated here is a rationale for them taking a look, the fact that there is no time in the light sequence for somebody to cross the street. When it says, "There is significant residential population east of the intersection, including school-age children of middle schools and high schools," and there is no pause in the traffic for them to cross the street, that is the thing. You cannot cross the street.

Trustee Walker: "Signalized pedestrian crossing time." But you are saying that even un-signalized crossing time.

Trustee Stugis: It did not hit me as clearly as his statement, that is all.

Trustee Walker: I think that is right: "signalized pedestrian crossing time." I think that is probably sufficient. We know, for example, at the intersection of Warburton Avenue and Main Street we do not have pedestrian signals there. But we do have sufficient time to cross, and it is a T-intersection. We do not have such a busy intersection, with all these various left turns. It is a complicated intersection, and you would never have time for people to cross within all that traffic going every which way. Anyway, I think the language is OK the way it is.

Trustee Lemons: And I think we realistically are kicking off a process, hopefully, that is not going to result in immediate action. But we do want to get that started.

Mayor Swiderski: Or at least requested.

Village Attorney Whitehead: The Village has no authority to do any of this. All you are doing is asking those agencies that do have the ability to please look at this, and implement it, not just look at it.

Trustee Lemons: W should not delay in moving this. They have done the work on this.

Mr. Skolnik: Are you entertaining comments?

Mayor Swiderski: If you have substantive additions to the resolutions and can keep it to under three minutes you are welcome at the mic.

Mr. Skolnik: We respectfully disagree with respect to your comfort with the process. The committee has met, but the minutes from that committee have not appeared for months. There was never supposed to be minutes that, even then, would have conveyed to somebody who was not at the meeting anything more than the essence of what was said. It was not a process I was comfortable with when you were talking about the committee. What I am seeing now is exactly what I was objecting to at the time we were talking about it.

But let me address the first "whereas." The complete streets policy has nothing to do with this. We have a policy that says these sorts of things should be considered when projects are being implemented. However, as you already said this project took place quite a bit before complete streets was in effect. So it is gratuitous to be going back. Yes, we would like to have that, but there is an implication that something should happen because of that.

Second, you say it was recently modified. But you do not put a date as to when that modification took place. It is not so recent anymore. I do agree with number three, for sure: definitely there is a problem, I told you at the beginning, with this intersection. But I do not understand why you are pressing so hard to press this right now. It was said this is just a request, but is nothing in here that feels like a request. Especially when Mr. Bass presented last week, in a pretty aggressive way, that you should be going to the governor and, if nothing happens, to CBS News. There is an approach here that I do not understand. The urgency, sure. But this has been there for a long time, and if you pass this nothing is going to happen right away. So I still do not quite understand that part.

Number five, significant residential population. It has been that way, unless there is some change that has taken place. Bringing up the yeshiva is problematic. It adds something that ought not to be adding weight to this. Either there is a need or there is not a need, and whatever the yeshiva issues are should not be playing into this. I am not going to have time, I have 12 seconds left. I would like to understand, I would like you to say, why there is such urgency to pass this as it is. I think it significantly flawed.

Trustee Armacost: We just, while Mr. Skolnik was presenting, looked to see whether the Transportation Working Group minutes were posted, and they are not on the website. I think they should be posted, and we should hold off on the decision at least until they are posted.

Trustee Lemons: May 24 is the last one.

Mayor Swiderski: There is no formal procedural issue around posting of minutes versus passage of a resolution. I understand the issue, but there is no procedure here.

Trustee Armacost: we are saying that there has been adequate time for the public to review it. Certainly people who attended the meetings had access to what was going on. That the public who did not attend the meetings had an opportunity to review the deliberation is not true in this case. If we could hold off for a week until it has been posted, at least we would then have two weeks' worth of time for people to review those minutes.

Mayor Swiderski: I will read aloud the modifications we have discussed here. Let us have those made and have this posted, as well.

Trustee Walker: About the urgency, there are a number of things that have changed recently. One is that we have this new development on 9-A. We are going to have a park on 9-A. It does speak to the fact that there are more people walking. And I have heard that more children want to walk to school than previously. So we have got this desire to walk, and the fact everyone is asking for this is presenting some urgency.

Trustee Lemons: The urgency also is arising from the fact that we have had a lot of transportation issues. We have talked about James Street and many other places, and that is the reason we have the Transportation Working Group and constituted that group because we want to have action on these things. There are a lot of things that have been around for a long time as problems, but we now want to move so we do not want to dally. But I agree with you. I think it is good to get these up.

Mayor Swiderski: All right, so the modifications as they stand now. We are striking the clause at the bottom of the page that speaks to, "Whereas the southwest and northwest

corners are overgrown with vegetation." We are striking the clause, two clauses later, that speaks to street pavement unsafe conditions. We are modifying "resolved" number one to read, "Install pedestrian crosswalks and signage for pedestrian passage at a minimum from the southeast to the southwest corner and southwest to northwest corner." And we are also modifying number two to read, "Push-to-walk buttons on, at a minimum, southeast, southwest and northwest corners. On number four, we are modifying it to read, "Install Jersey barriers or another form of barrier." Then we are deleting the first two "resolved" clauses, one referring to re-paving and one referring to vegetation, and leaving the third one intact. Is that what everybody else has?

Trustee Walker: Yes.

Mayor Swiderski: Then, Susan, I will pass this to you with changes to be made and posted.

Mr. Bell: May we have 15 seconds on this topic? I was at the last meeting of the Transportation Working Group. They approved two months' of meetings at the one on Monday, so that might be why Raf never got them or everybody else did not get them. I did some research on the automatic sensors. An automatic sensor some rabbis consider using an electronic device because it is your body that triggers that automatic sensor. That may defeat your whole purpose. Even if you had the lights change automatically all day long rather than even an automatic sensor for a certain time, there has got to be another way to do it. As Mr. Skolnik said, it could cause problems even having this in there as it moves its way up the chain. When you are trying to get all this other stuff done, instead of going directly to the Department of Transportation of the Town of Greenburgh, oh, we got to send this to the other lawyers. Then those guys are going to spend more time on it. That may muddy the waters more when you are trying to get stuff done. And look into the other thing. That could actually be a violation of Shabbas anyway.

Mayor Swiderski: I am not inclined to modify that. I have been informed by the Village Attorney it is not problematic, but if others feel strongly we will strike it. Otherwise, I will leave it intact.

Trustee Armacost: If we are going to leave it, we do talk about the Village-owned park complex but maybe there should be a reference to other places where people live. It says "There is a significant residential population east of the intersection, including school-age children who walk to the middle school and high school." That incorporates everyone over there. It is unnecessary, really, to have the next clause because everyone is incorporated in that. The only reason to have the next clause is because of the sensor, the need for the sensor, right?

Mayor Swiderski: I cannot speak to what their reasoning there was. I am going to guess that it is a recent development that adds people to that neighborhood, not necessarily the sensor.

Trustee Armacost: But then we should add the 9-A development because those people could walk down there, too.

Trustee Walker: We do.

Trustee Armacost: We only add it in terms of the park, we do not add it as if the people who are residents there would walk anywhere else.

Trustee Walker: No, you are right. We do not.

Trustee Armacost: If it is about them being residents, then it should be all other types of residents. Or we treat the clause above as covering anyone who is a resident on the other side of the Saw Mill River.

Village Attorney Whitehead: I think Niki is right. You do not have to have it. They were trying to point out that is a new population that does walk a lot, and not just on Shabbas. They walk, they walk into town all the time. The students tend to not have cars.

Trustee Armacost: Maybe we should add a line there that says and other developments, or new developments.

Mayor Swiderski: How about modifying the "Village-owned park" line to read, "In 2017, the Saw Mill Lofts on Route 9-A, along with a Village-owned park, will be constructed and should be accessible by walking."

Village Attorney Whitehead: "Will be completed."

Ms. Battle: I want to reiterate what Attorney Whitehead said. That is a basic difference between the residents of the Lofts and the yeshiva students. Yeshiva students do not have cars, the yeshiva students have a sidewalk. They do walk. The Lofts residents will likely have cars and they have no sidewalk. Mention of the yeshiva deserves its own "whereas."

Mayor Swiderski: All right, are people comfortable with that modification? We are posting a revised version and pushing it off to October 4.

56:16 SAFETY COUNCIL MEMBERSHIP

Mayor Swiderski: The genesis of this is to formalize membership of that council?

Trustee Armacost: It is to formalize a practice that had developed over time. When we were in the process of appointing a new member we realized, when we went back to the original document, that this practice was not backed by a resolution. We want to correct that. We think it is important to have four citizen members as well as those other designated Village employees; we felt it was important to shift from the Building Inspector to the Superintendent of Public Works because that is what happens and is most appropriate. And we also felt it is important to have an odd number of people as opposed to an even number, which was the way the resolution had originally been drafted.

Village Attorney Whitehead: Just to clarify, when this was done the Building Inspector also served as the Superintendent of Public Works. It is really the Superintendent of Public Works that you want. That was the reason for that change.

On MOTION of Trustee Lemons, SECONDED by Trustee Armacost the following Resolution was duly adopted upon roll call vote:

WHEREAS, the Board of Trustees by resolution on May 1, 1961, created an advisory committee to be known as the Safety Council consisting of the Police Chief, the Fire Chief, the Building Inspector, and three (3) citizen members, and

WHEREAS, the Board of Trustees wishes to clarify and modify the membership of the Safety Council, now therefore be it

RESOLVED: that the membership of the Safety Council shall consist of the Police Chief, the Fire Chief, the Superintendent of Public Works, and four (4) citizen members who shall serve for a term of three (3) years each.

ROLL CALL VOTE

AYE

NAY

Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

**57:16 APPROVAL OF INTERMUNICIPAL AGREEMENT TO IMPLEMENT
STORMWATER QUALITY IMPROVEMENT PROJECT GRANT**

Village Manager Frobel: We are looking for authorization to enter into an intermunicipal agreement with 17 other municipalities to collect data and map out our stormwater infrastructure. This was part of a grant we secured for just under \$350,000 from the New York State DEC. Sleepy Hollow takes the lead in record-keeping and the process. We have been partners with this group for quite a while. With a project of this size it makes perfect sense and is grant-eligible to join with our neighbors to do this kind of work. You just could not do it yourself; you need to be in a group Our match will easily be accommodated by my salary, Susan's work, and Mike Gunther's.

WHEREAS, the Village of Sleepy Hollow as Lead Agency has applied for and been approved for a Stormwater Quality Improvement Project grant (DEC01-C00077GG-335000) in the amount of \$343,854.00 from New York State Department of Environmental Conservation for Stormwater Mapping services on behalf of the stormwater consortium; and

WHEREAS, the members of the Consortium have previously agreed to participate in the Consortium and

WHEREAS, the Village of Hastings-on-Hudson (“the Village”) is a member of that Consortium and wishes to participate in the implementation phase of the project to further enhance the data base for mapping of stormwater infrastructure consistent with requirements of New York State, now therefore be it

RESOLVED: that the Board of Trustees authorizes the Village Manager to sign the intermunicipal agreement with the Village of Sleepy Hollow for the purpose of implementing the above referenced grant agreement with New York State Department of Environmental Conservation; and be it further

RESOLVED: that the Village hereby agrees to the terms of the agreement providing specified in-kind services and salary and benefit information in connection with those services to the Village of Sleepy Hollow in a timely manner.

ROLL CALL VOTE	AYE	NAY
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

BOARD DISCUSSION AND COMMENTS

1. Affordable Housing Committee Report

Village Manager Frobel: I placed this on the agenda at the request of the committee. I am not sure how far we can or want to go in an open dialogue, but we thought we would talk with them about some of the concerns they have encountered in terms of the financial arrangements for their affordable housing initiatives.

Ira Lichtiger, 141 James Street: I am a member of Hastings' Affordable Housing Committee and the president of its not-for-profit Housing Development Fund Company. Thanks for the opportunity to discuss financial challenges the Affordable Housing Committee and the HDFC have been for awhile now. It is mostly in relation to the three-unit condominium at 52 Washington Avenue, but it is not specific to that project. That project just happened to have a lot of issues that one of the other members is going to speak about.

We do not have any specific requests tonight. The purpose here was to bring this issue to your attention and see if we could work together with you in finding a resolution, because it does pose a threat to the viability of what we are trying to do and what we have done very successfully, mostly thanks to Sue Smith, over the years. Despite this board's strong support of affordable housing, we have been hampered, in part, by a lack of support in other areas of local government that has made it necessary, recently and not that recently, for members of the committee and the board of the HDFC to make significant financial contributions to meet our development obligations. Arthur Riolo, the chairman of the Affordable Housing Committee, is going to speak to the specifics of some of those funding deficiencies.

Again, though these challenges came up in the context of particular issues on this condominium project that Dave Hutson, a member of the committee and the HDFC board, will address in a moment, it is important to note that in every project where we serve as developer the projects are largely financed by the county. The state sometimes also adds funds from the Affordable Housing Committee and the Affordable Housing Corporation, but we always end up with very tight budgets that do not allow for an adequate contingency and

never allow for developer fees. We push for them and ask for them at the beginning of the project, but they end up getting squeezed out by the time the real numbers come in.

Partly as a result of this approach by the county, which has been o very supportive and we would not have gotten anything done without them so I am not demeaning them in any way, we do not have an adequate funding source to cover contingencies or to advance new projects in pre-development. If we were able to get development fees that any other developer gets in taking the risks of any kind of housing, that is the way you get money to do the next project and we do not have that funding source. Our next project is the one-family home with an accessory apartment at 190 Farragut, and that also has an unrealistically tight budget. Recently we had to make a difficult decision to move forward based on a promise by the Housing Action Council, which is our consultant, Rose Noonan, a great supporter of affordable housing, to cover any unfunded costs, based on Rose's optimism that she will be able to get the needed funds from the county and the resources of her not-for-profit.

Absent a reliable funding source, the committee has been discussing ways of moving forward with this work. From bringing in projects at lower costs through the use of prefabricated homes, which has some issues because if we get a lower budget we will probably still have a hard time getting development fees, they will just get fewer subsidy costs. But we would have more to discuss in those cases, enhancing our own fund-raising efforts, which we have been talking about, and also working with other not-for-profit development companies who might be in a better financial position to undertake the risks associated with housing development.

We have discussed these issues with Rose of the Housing Action Council, and she advises that we are not alone in this position among other small municipalities that are trying to do this work. She also just told us that the Housing Action Council is beginning to work on a plan to support organizations like ours that help generate small-scale community-based affordable housing. We welcome your thoughts on any ways the Village can help advocate for us or find funds for this effort. David is going to speak next, and then Arthur, to give you more insight and details.

David Hutson, 19 Flower Avenue: As you know, virtually every level of government from the feds on down to villages have taken a stand to have legislation in support of affordable housing. Every branch of government, courts, executives and legislatures have all done things, passed laws and so on, in support of this. The problem is, some of these entities in terms of the practices they have and the procedures actually delay and/or stand in the way of executing those policies and laws and implementing them. Fifty-two Washington is an example of that. In particular, the taxing authorities, both village and town, have really posed a difficult situation for us.

In 2010, the fire inspector in Hastings and the Building Inspector declared that 52 Washington, about three-quarters of the way east from Warburton up toward the Aqueduct on the right-hand side, a cream-colored three-story building that has been rehabbed by us. was a fire trap, unsafe, and a real hazard. The police were there more than anywhere else in town. And, in fact, it had an order to vacate. It was barricaded and no one was to go in.

About three years later, in May of 2013, the Hastings Affordable Housing Development Fund purchased the property with the help of the county, through the Housing Action Council, as Ira indicated. We proceeded to develop plans and construction began after the first of the year, in 2014, and was completed within a year. Everything was fine when we purchased the property. The idea was, since we are a non-profit and since the building we thought had been condemned—technically it was not condemned; the order to vacate is a little different—but we thought the taxing authorities would recognize that. But the taxes as they were, some \$16-, \$17-thousand a year, simply continued. When we spoke to the assessors, they said the way to deal with this is to grieve it. In 2013, obviously those taxes were already in place so we had a half-year of that. The period had closed, by the end of June, certainly in regard to the town, grieving that. So that was not realistic

Then there was a provision, we understood, where if there was an error in the way the taxing authorities functioned that could be corrected. We thought surely they will consider this an error, where we have a piece of property that is to be used by a non-profit in line with the charitable purpose of that non-profit and it was something that was not habitable. Therefore, surely something in there affected the taxes. Well, they said no. This was baffling and upsetting and, to me, absurd. Anyway, their point was that to go back and do things retroactively is not the way taxing policy work. The idea of an error is only if you make an error in calculation, not if you make an error in judgment or decision.

We said, look, if somebody builds a new home you are right there to tax that. So if one is no longer usable, why are you not right there to change those taxes. Especially if it is owned by a non-profit to be used for a charitable purpose in line with their charter. We got no response on that. So we said let us bite the bullet. As indicated, the members felt that even though we had community fund-raising we did not feel it appropriate to use community donations for that. So members themselves, tens of thousands of dollars here, not a couple of dollars, came up with that money. It just seems that, OK, we said we will go that far. Beginning in 2015, we hope to have the property ready to sell to new ownership. This is a condo situation, the new owners would be able to pick up those taxes so we would not have to go forward with that.

However, in 2013, shortly after we bought the property, the neighbors filed a suit having to do with the easement of the driveway. It is a fairly straightforward thing, as those of you who know something about this and I did not before I got into it, but you cannot abandon an easement just by non-use. You have to declare it, it has to be specific that, in fact, you intend to abandon it. In spite of the fact that the judge involved told the plaintiffs that early on, it still took 22 months for us to get a final decision from the state supreme court of Westchester County. What mattered about that was, the AG's office said we cannot allow you to develop the necessary paperwork to make this available for sale until that decision is in. That decision did not come to us until May of 2015, after it started in 2013. Fine. We got all that up to the AG's office, then the attorney general felt that we have to go back and review everything. It took a year almost, 11 months, for that to happen. We, just a few weeks ago, had the response from the AG's office that you can go ahead and now, the applicant is in place, and everybody that is approved can go ahead and get their mortgages and buy the properties.

Long story short, we have come to the point where we are now on the hook for three-and-a-half years of taxes at that property, compounded. This always is the case, the snail's pace of the court system. We will live with that. Even slower than snail's pace, the activity of the attorney general's office, we are stuck with that. That is the dilemma we are in. Now, when you have a project like 9-A and the developer is on the hook that is one thing. But in this case, no developer wants to deal with a project like this because there is no money to be made in it, obviously. We are interested in these small projects in Hastings because, first of all, we are not gung-ho about these large projects just for the sake of the Village and the nature of the Village. But also, there are not that many opportunities. So we have to take them where they exist if we are going to stick with what we have pledged ourselves to do as a community in terms of affordable housing.

We have to be developers sometimes. And, obviously, we do not have deep pockets. We have deeper pockets than we thought we would when we started out and joined this committee. But the fact is, we really need to do something. I do not know if it is advocacy, I do not know if it is a legal action. As Ira says, we are not here to wrap that all up. We just want to let you know that this an untenable situation. It runs against common sense and reason that we should be put in this position. That our own municipal taxing authority and the town, who very much is interested in affordable housing, cannot see that this is an unfair, unreasonable, and simply unjust if you wanted to go extreme, circumstance.

Trustee Armacost: So the three-and-a-half years of taxes comes to how much money?

Mr. Hutson: About \$16-thousand a year, times three and a half.

Trustee Armacost: Which came out of your pockets individually, you are saying, or it has not been paid?

Mr. Hutson: We are coming up on another payment now. But the bulk of it has been paid.

Male Voice: Some of it is budgeted for.

Mr. Hutson: In other words, some of this was expected when we started the project. But we never expected, first of all, that the taxes would continue. We thought that 2013, which was already in place, maybe that would be the case that we would have to pay something there. So a little bit came from Housing Action Council, but the bulk of it came from the pockets of the committee.

Trustee Armacost: And you are not expecting any other entity to reimburse you for that money. Or is there going to be a reimbursement from grants, or somewhere?

Mr. Hutson: We have seen nothing of that. What we have now, as Ira points out, is the Housing Action Council feels that going forward, if we are stuck further on this project, they have committed to pick up the bulk of that, if not all.

Trustee Armacost: I am asking a very precise question. Not whether you have seen the money or not, is whether you think any of that money, any of that \$50,000, say, or three-and-a-half years' worth of taxes, whether you are seeing some other entity will pay you back for what you have put in personally as individuals.

Mr. Hutson: The answer is no.

Trustee Armacost: OK, thank you. If you can let us know, very precisely, the amount that you had budgeted and that was covered versus the amount that people have put in individually I would like to know that amount.

Mr. Hutson: I am sure we can.

Trustee Armacost: And what is unpaid if anything is unpaid.

Arthur Riolo, Chair, Affordable Housing Committee: I am going to speak to the dollars and cents of this. I submitted to Fran the three years that we paid of taxes, and also our other expenses, which were Con Edison, SUEZ, and phone. You have those numbers in hand. You also have the tax bills, by the way. I want to address that the Housing Action Council, , has said they will pay the first half of the school tax for us. This was our big dilemma

because we could not close on any of the units without paying the taxes. That was where we were at. Through our fund-raising for two years, of 2014 and 2015, we raised approximately \$16,000. That is from the community. Out of the pockets of the members was \$35,450. So the total is \$51,450.

Trustee Armacost: Meaning that is the amount you had to pay in taxes?

Mr. Riolo: No. It is the total amount in taxes; Con Edison, water, and phone.

Trustee Armacost: But can you separate it out? So taxes was how much?

Mr. Riolo: I have the tax bills, Fran has the tax bills. He also has the breakdown. I do not know that I should go through it in front of all of you, but whatever. We did grieve and got a small return from the Village. I do not want you to think the Village was not totally receptive. They were this much receptive on 52 Washington Avenue.

Village Attorney Whitehead: Did you grieve the town or just the Village?

Mr. Riolo: Just the Village.

Mayor Swiderski: Why did you not grieve the town?

Mr. Riolo: If I owned a piece of property and I was paying taxes on it, it is incumbent of me to grieve the taxes for myself. But what are we? We are a volunteer organization to create affordable housing in the Village of Hastings. We should not have to grieve taxes, Mayor. We should not have to pay taxes at all.

Village Attorney Whitehead: But it is not automatic. You have to apply for exemptions.

Mr. Riolo: I understand what you are saying. So let us talk about how you can help us. We should have an exemption. The Village should say if affordable housing is going to develop a piece of property they should not have to pay taxes during the construction of that property. Once the property is sold, then the new owner pays taxes. But we are volunteers.

Mayor Swiderski: Arthur, we could not agree more. I am still processing this. It is horrible. I am not going to ask why it has been three years before you have approached us. You should not have paid anything out of pocket. It is bad enough you have to sit on the committee and deal with what you deal with. It is not like you are sitting on a foundation board, where you are expected to chip in. There was no expectation like that, and I am really sorry to hear it.

Mr. Riolo: Understand the committee, they are committed to affordable housing.

Mayor Swiderski: Very clearly. That is not a commitment, that is a sacrifice.

Trustee Walker: You should not be making a personal sacrifice.

Mayor Swiderski: That is above and beyond. The proposal you are making we would pursue, after advice of counsel, whether it is possible. Certainly at the local level I cannot imagine we would think otherwise.

Trustee Armacost: Exactly. Part of what you are saying, though, is that the procedures are unclear and that the procedures need to be tightened up so when you enter into one of these arrangements it is clear from the get-go that there is no tax issue. I am also hearing you say we are in this predicament, please help us solve the problem. And by the way, the ticket is \$35,000 out of our pockets. I am hearing those two different issues. Is that right?

Mr. Riolo: The first part of it is 100 percent correct. There is not anyone I know that is on the committee that is asking for its donation. We are going to write it off, and that is it, Niki.

Trustee Armacost: You might want to have a chitchat to the other people about whether everyone feels the same way as you.

Mr. Riolo: Niki, we have talked about this at great length at our meetings. So do not think we came to you in the beginning. We are coming to you at this point in time because we, as a committee, have decided that we cannot go forward. We got ourselves into something with 52 Washington Avenue that was untenable, but I want you to know I spoke to the town assessor and the Village assessor and got nowhere with either of them.

Trustee Armacost: Let us imagine a scenario where we decide there is some way we can help you with the \$35,000. Are you saying you do not want us to?

Male Voice: No.

Trustee Armacost: OK, that is what I thought you would say.

Mr. Lichtiger: We should speak perhaps to the Village Attorney. A non-profit returning money to donors, there may be an issue in that regard.

Trustee Armacost: Absolutely. But just to understand your intentions, though.

Trustee Lemons: I heard two issues of finance. One is the amount that has been put into the taxes, but the other is the issue of not being able to accumulate any development funds for going forward. That is another issue, but an important one.

Mr. Riolo: That is the core issue. And we definitely should have done the grieving of both the town and the Village on time each year that we could have. We did some of that, and probably not enough. But that goes to the fact that we are a part-time volunteer committee and it is a lot to be on top of all that. I am not complaining to you, obviously.

Village Attorney Whitehead: There are other ways, when a property is owned by a housing development fund corporation, or provisions where the town board in Greenburgh could approve an exemption. It is not just through the assessor. They are reluctant, I can tell you, in Greenburgh to do that. And I have to double-check, but this board may be able to do that with respect to the Village taxes. But your biggest tax is your school tax, and that comes out of the town assessments. We should talk, going forward on other properties, so you do not get into this problem with the taxes again. I know very well that you were delayed and why you were delayed. I am sure that when you did your budget for your financing and funding that you included only a certain amount of taxes a year or so and have ended up, because of the delays, having to pay much more than that. So it was not covered in your funding sources. But I am happy to work with you, I think this board is happy to work with you and do what they can. It is not just for this situation, but it looks like it is something we need to look at how we can address it going forward on other projects and other properties.

Trustee Walker: In most situations, you take out a construction loan, do you not? And that is through the Housing Action Council, or through the county? They are loaning you money for construction and then you pay it back once you have sold the units. Is that right?

Mr. Riolo: Correct.

Trustee Walker: But the issue is that the budget is so tight because of where you are getting the money and because it is affordable housing. Your budget is really, really, really tight.

Mr. Riolo: That is right.

Village Attorney Whitehead: Some of the money is a loan and some is grant.

Trustee Walker: And some is grants. But theoretically, your budgets take into account all the soft costs. This was an unusual circumstance. But going forward, are you looking now for another kind of mechanism to fund the housing because this is not working? Obviously

the delays and everything were unusual in this case, but are you assuming you are going to run into these kinds of problems in the future?

Mr. Riolo: On 190 Farragut the Housing Action Council has said they will cover the overrides. We are asking for that in writing.

Trustee Walker: The override in your fees and taxes.

Mr. Riolo: Overrides, there are many different ways. It needs a sprinkler system.

Trustee Walker: Because you do not have any contingency built into your budget for things like that.

Mr. Riolo: There you go. A developer's fee for what Ginsburg did for the affordable housing, or that complex, would have helped us a great deal. Or for 52 Washington or for 190, even if it was a couple of thousand dollars it would be seed money we would be able to look at to look at other projects. We are looking at whatever we could raise from fund-raising as seed money to look at other projects.

Village Attorney Whitehead: Have the county and state refused to include a developer's fee in your funding? When it is a private developer doing affordable housing they do include that.

Trustee Walker: Right, otherwise they would not do it.

Mr. Lichtiger: I got involved a little bit late in this, but Rose told me that they always start out with a developer fee but it always gets squeezed out.

Village Attorney Whitehead: I'm telling you it is not getting squeezed out when there is a private developer involved. That is seed money.

Mr. Lichtiger: The other thing is that there was no soft cost contingency in this budget, which is unheard of. If it was a real lender you would be more protected like that, but we cannot get a real lender for these projects.

Trustee Armacost: Do you have a lawyer?

Village Attorney Whitehead: Rose is an attorney. And she did the offering plan.

Mr. Lithtiger: And I should add that we are getting additional funds from the county. It is \$55,000, which Rose advocated for; it is going to pay the remainder of the architect's bill, which she is going to try to negotiate down. So there is some money that goes back into the fund so we have something there. And Rose is waiving her legal fees for the offering plan. She is only collecting her out of pocket expenses.

Village Manager Frobel: Arthur, when we met in preparation for this meeting maybe I misunderstood, but you may have just touched upon it. Are you not anticipating a grant of about \$55,000 from Westchester County to cover some of these expenses we talked about?

Mr. Riolo: Yes.

Mr. Lichtiger: I wanted to add that the money the Housing Action Council is putting out for the taxes that are due this month, she is going to get it back through that \$55,000. So that is basically what it is going for.

Village Manager Frobel: That was the urgency about the closing next month. That if the taxes had not been paid you had jeopardy of not closing on the two properties.

Village Attorney Whitehead: Or basically covering it as a bridge until that county money comes in.

Mr. Riolo: I came to you because I did not know where we were going to get the money and I knew we could not close. Then Rose did say I will cover it and take it out. So the \$55,000 is not really coming to us. The \$55,000 is going to pay for architectural fees that have not been paid.

Village Manager Frobel: Those are the \$33,000 in fees you spoke of.

Mr. Riolo: Right, and also the expenses for filing a condominium plan with the state. I have these things broken down here. Rose sent an e-mail today that broke things down.

Village Manager Frobel: I have not seen that.

Mr. Riolo: At the end of the day, none of the \$55,000 is going to come back to us.

Mr. Lichtiger: We are hoping we do get a piece of it by negotiating with the architect, which I think we will be able to do to a certain extent, so we have something in the bank account.

Mr. Riolo: I would say that is a maybe. There is something else. It is not just taxes. We are paying Con Edison and SUEZ and also phone on 52.

Mayor Swiderski: Why is there a phone?

Mr. Riolo: It is for the alarm system. So the delay has also eroded a fair amount of money, not insignificant. I want to say Mark DeSouza of DeSouza Landscaping has been maintaining the property and cutting the grass gratis. David and I go there periodically to make sure the house is secure, nothing is leaking, everything is OK. We are in the process of selling these units. We have acceptable offers on all three units. We have had inspections done on one of them. There was an appraisal done on another one. So we are going to get out from under this and will hopefully be completely out from under it maybe by the end of November.

Trustee Armacost: So are you asking for a bridge loan? Or are you saying you are out of pocket money?

Mr. Riolo: No, we are not asking for a bridge loan. Initially with my meeting with Fran we were asking for money to be able to pay the first half of the school tax because we just did not have it.

Trustee Armacost: You mean a gift. There are different kinds of money. There is loan money, there is gift money.

Mr. Riolo: Bridge. We were asking for someone to come up with money...

Village Attorney Whitehead: But the Housing Action Council is doing that, so you are no longer asking for that.

Trustee Walker: But they are still out of pocket.

Mr. Riolo: And I could not honestly say to Fran in my meeting with him that out of the \$55,000 the county is going to add to this project to cover the additional expenses I could not guarantee it was going to be paid back. That was an uncomfortable situation because I would not want to ask for something as a loan and say, well, now there is not the money to pay you back.

Mr. Hutson: One clarification is that in order to close we have some other costs, but we are hoping we will be able to work it out with HAC, including insurance. But those costs will be adjusted at each closing, as we close them, and some of that will come back.

Village Attorney Whitehead: You will get some of the taxes back, too.

Mr. Hutson: Right, taxes and insurance.

Mayor Swiderski: So you have brought to our attention a set of issues. There is no financial ask here, but clearly there is a desire to avoid this in the future. Are there specific policy recommendations you expect to make to us that we can take action on, examples of other communities and what other communities have done? We are hearing this largely for the first time and I think, collectively, we want to do what we can. But within the limits of what others have done in the law, what are you asking for?

Mr. Hutson: One thing that would be very helpful, and Ms. Whitehead touched on it, if we can get some clear direction as to how to approach taxing entities as this arises in the future because this is very problematic. If it is that we have to go to the town board as well as to this board to get some ...

Village Attorney Whitehead: Where do you stand on the property on Farragut taxes?

Mr. Riolo: We are paying as a vacant lot right now.

Mr. Hutson: But again, we are paying it as a non-profit. Whether that should be the case, maybe there is something that can be done here. That is one area. The other thing in terms of dollars, going forward with this new project we will have a better idea over the next couple of months what is involved in outstanding expenses that we are not able to meet through Rose or anything else, if that occurs. We would want to talk to you about that if it occurs. But right now we do not have any such number.

Mr. Riolo: But Meg brought up a point we did not address. What are we doing to mitigate this situation in the future? We are looking at Habitat for Humanity as opposed to working with Rose, and we are going to have a meeting with them. So we are reaching out to try to look at other avenues to develop affordable housing where maybe we are not the developing agency and we are not on the hook for things. Because we all know that once the county hits the 750 units this is going to close.

Village Attorney Whitehead: And that is the end of this year. They are pretty much there.

Mr. Riolo: OK, so it is going to be over. If we want to do affordable housing we have to find another avenue.

Village Attorney Whitehead: There will still be state money. I do not know how much county money and county support.

Mr. Hutson: It may involve, we think, more local help. Even if we get somebody like Habitat to assume the big risk in terms of these other initial development fees that is what comes into play. Let me make an addendum that does not have to do with the finances. That is in regard to good things about government. This village, during this whole process of our construction, whether it is the Chief and the police department and the help they gave us, whether it is the Building Inspector, Mr. Sharma and Mr. Minozzi, whether it is Sue Maggiotto and her staff, we got outstanding support and help from the Fire Inspector in terms of in a very timely way looking to make it easier for us. Everything was not bad from our local officials, except for the tax issue. We got great support. So somehow if you convey that to them, that is appreciated by the committee.

Village Manager Frobel: But even with the tax issue, we went to Attorney Levy, and Sue has attended those meetings with the Board of Assessment Review, I thought we were getting advice from him. He is also an expert in property tax law. I know you took it to the Board of Assessment Review. They heard it, they went as far as they could under the law. Am I not correct?

Mr. Hutson: That is what they say. That is everybody's position.

Village Attorney Whitehead: The exemption is a different issue I will look at, and it is specific to the Development Fund Corporation.

Village Manager Frobel: But I meant relief on the taxes when the property was not habitable.

Mr. Hutson: This was already when the construction was underway. This happened a little late, when we realized the kind of difficulty we were in. But no, they were responsive. If that is the law, the law stinks. A not-for-profit is a not-for-profit when it uses the property for the intent allowed under its charter. If you just own it it does not mean anything. But if you are using it for what you have your non-profit status for to me it is mind-boggling.

Village Attorney Whitehead: Tax exemptions in that way look at both the owner and the use. But there is a specific provision in the law for exemptions for Housing Development Fund Corporation and specific types of affordable housing uses. And there are specific provisions for how they are supposed to get assessed.

Trustee Lemons: Is the problem that action that has to be taken to have the exemption?

Village Attorney Whitehead: That is what I am saying. You own another property, hopefully you are going to own more, so the best thing we can do is look now at how we can help them going forward.

Trustee Armacost: Can you also look to see if there is a way to address it?

Village Attorney Whitehead: There is no way to address it retroactively.

Trustee Armacost: That seems deeply unfair to me.

Village Attorney Whitehead: The only way corrections can be made, unfortunately because of another municipality I am very familiar with these provisions, it has to be a calculation or a property classification error. It cannot be just somebody did not apply for an exemption that they might have been entitled to. There is no provision in the law for that.

Trustee Armacost: Is that what happened, that there was an exemption that could have been applied for that was not applied for?

Village Attorney Whitehead: The bigger one is the town. I have done it on behalf of, and it is public record so I can say, a request for an exemption on behalf of one of the Westhab properties in the town. They would not give us a full exemption. We were able to work with the assessor on how the assessment was done because that is an ongoing rental property. That was not during construction, that was once it was up and operating. But there are a number of provisions in the law, and we can take a look at them and try to come up with what will help them going forward. Some of them will only kick in once the property is done and being used for affordable housing, not necessarily during construction. But we can look at that.

Trustee Walker: Then it would not do them any good if it is a condominium.

Village Attorney Whitehead: No, it will not. But these are things we have to look at.

Trustee Walker: This is something we are really committed to, this village is committed to. I do think we are bound with you in this, and whatever help we can give you we want to.

Mr. Hutson: You could pass the hat, you know.

Trustee Walker: Yeah, we will pass the hat. How about doing a Kickstarter, crowd sourcing fund-raising?

Mr. Hutson: We will just have to recruit members.

Trustee Armacost: That is really a problem to me. I have heard what has been said here and I know you are saying there is no way to address it, but I would like to have a conversation with you about it because it seems deeply unfair to me. That is not what citizen volunteers signed up for.

Village Attorney Whitehead: But the other issue is they have made their donations to the not-for-profit, and a not-for-profit cannot simply give back donations that have been made. So in terms of replacing the out of pocket, that is why I am saying I think the best thing we can do is try to not have this happen again going forward.

Mr. Hutson: That is our understanding.

Mayor Swiderski: It is a deal.

Village Attorney Whitehead: I am happy to say you had no litigation costs for litigation on the easement. That got covered by the title company. That was my contribution before we became Village Attorney.

Mayor Swiderski: In terms of next steps here, there is some work we can do on our end and we will do that. As you speak to Rose and others, and if there are other things we can do and I do not know if it is legislation that allows for the suspension of taxes while a property is under renovation or whatever it is, if you hear please funnel that to us. We do not want this to happen again.

Village Attorney Whitehead: I am happy to meet with you and meet with Rose, and see if we can come up with some other ideas, brainstorm. I work with Rose a lot.

Mr. Hutson: Thank you.

Mayor Swiderski: Thank you for your service but it seems inadequate at this point in time for your sacrifice.

Trustee Walker: You mention that maybe we need to talk about local fund-raising. If this village is really committed to building affordable housing maybe people in this village will make donations.

Mayor Swiderski: Well, they have.

Trustee Walker: But I mean they will make more significant donations in the future.

Patty Speranza, 8 Ridgedell Avenue: We are looking at finding a way to do some fund-raising. That was the job that was given to me as the new kid on the committee. We want to make sure that when we are approaching people to contribute that we have to have something that does not say we are going to use it to pay the Con Ed bills because it has been a year and the property is still vacant. You cannot do that. You have to find a way to encourage them. If it is for exploration of potential affordable housing units on another property that is where we will get the draw. The mundane operating costs, who is going to want to contribute to that?

Trustee Stugis: You cannot raise money from the public to pay what you believe are unfair tax bills. I would not donate to that. I guess one thing I heard, and we are all committed here that it does not happen again, that you are paying taxes on the Farragut property now. How do we stop that? It is happening again.

Mr. Riolo: We are paying, but it is a nominal amount. Meaning that because it is vacant land our school tax is \$240, the first half. And part of that is in the development package. What happened with 52 Washington Avenue is that it did not take a year and a day, it took three-and-a-half years. If it took a year and a day we probably would not be in front of you right now. So our fear is that we do not have another 52 Washington Avenue on our hands on our next project. Right now, those taxes are being paid and that is why we are not coming here and asking for anything except an awareness and a proposal, or proposition, that we do not have to pay taxes when we acquire a piece of property and while we are in the development stages of the property until the property is sold. That is what we are asking for.

Trustee Walker: And we are going to look into it a little bit. And by the way, 52 Washington looks fantastic.

VILLAGE MANAGER'S REPORT

1. Building Security

Village Manager Frobel: Under New York State Labor Office of Public Employee Safety and Health Bureau, regulations require that public employers conduct an evaluation of the presence of any workplace where employees may run the risk of workplace violence. We are also required to provide information and training to our employees about workplace violence and what steps they can take to protect themselves. In compliance with that regulation this summer we conducted an analysis of all our facilities. This risk assessment was conducted with the help of the Chief of Police, who took the lead in this task, along with Aylone Katzin,

the grad student intern, and the department managers, those that are responsible for the various facilities.

he goal is to protect the employee and ensure the safety of visitors to our buildings besides. I have asked the Chief to talk to you about how the reports are arranged and about some of the key factors we found as part of our risk assessment. We are not only recommending some short-term measures we can take to address concerns that report identified, but also our employees, as I mentioned, have already had some training. Westchester County came in and spent an hour or so with our employees. But we are also going to have some specialized training for our people as to steps they can take if they are part of a workplace violence episode and what they can do to protect themselves or others.

Police Chief Visalli: We want all our employees and the public not to be alarmed by this. It is a mandate by the state, it is a mandate that we believe in, but we do not want our employees coming to work being afraid; we just want them to be aware. It is something that, unfortunately, in today's world we do have to address. We want our employees feeling as safe as they possibly can.

We broke this into four stages. The first was physical assessments of all the Village buildings. We went through, we looked for certain weaknesses we could change. Some of it would be construction type things. I do not want to get into too many specific details about it, for security reasons, but something as simple as placing some barriers between our employees and the public. When we get some hard estimates we will come back to you to request funding for some of this. We are already at phase two, which is classroom training. The Manager, myself and Sergeant DeBlasio attended a county-run active shooter training class Friday. It was a soup to nuts/tabletop exercise on everything that executive officers can expect to have to deal with if such a tragedy ever occurred. It was a good exercise. There were a few things that you would not ever think to have to be doing at certain stages.

In addition to that, Sergeant DeBlasio is going to take over running training classes for our employees. He is going to go building to building, he is going to put together some classroom instruction on what employees can do, whether they are faced with what we call "internal violence," whether it is one of our own employees or some external threat. Some of it is very simple, just things that in a real tragedy can be livesaving. There are things people need to know how to do. It could be as simple as evacuating the building. They are going to do that in the classroom.

Then we are going to begin conducting actual drills. These will be, again, building to building. Some of them will involve all employees at the same time. Those drills will include dealing with unwanted persons, active shooters, lock-downs, and evacuations and

any other type of threat like natural disasters. We get a lot of storms here that can be severe. We are going to look at as many aspects as we possibly can. It is not all going to happen overnight, but we are moving through the simpler stuff as fast as we can. Some of it will be longer-term. We will be asking for probably some funding from the capital budget.

Trustee Armacost: Are you going to manualize some of these things?

Police Chief Visalli: Yes, we are going to come with a procedural manual for our employees. We are going to designate certain employees. You may have a building warden and a deputy building warden who will be responsible, for instance, in an evacuation and making sure that all the employees are out of the building and accounted for.

Village Manager Frobel: Some are going to be low-expense. We are already doing these things: making sure doors are locked, perhaps better lighting, better communication between our buildings. Raf is here because we have got some technology already that would enable us to notify all our facilities if there was an event, say, at the Community Center so we could lock down and be aware that there is something wrong, be careful, someone may be coming to your building next. So there are things like that we can already implement. We have been concerned about the court. Aside from the uniformed police officer, there is no security here. We surveyed our neighbors. Most of our neighbors have security in their courtrooms. This is a spot that could be very vulnerable.

Police Chief Visalli: From what I understand prior to my being Chief, there was some resistance to making some of these changes. I understand it, and it is an issue that people do not like talking about, but it is here, it is real, and it is going on every day someplace in this country. This is what they were talking about at the seminar we attended Friday. Many of the presenters were people who had to oversee real incidents. There were FBI agents and other people who were assigned to help in the cleanup process from large-scale events. A lot of knowledge has been taken away from those events, and now they are trying to get everybody else on board with how to cope with it. Obviously, the best method is to find a way to prevent people from doing this in the first place. But right now, where we are at this stage, we need to find out ways to defend ourselves for the moment until society, as a whole, things improve. This is where we are.

Trustee Lemons: A lot of these things are not that noticeable. Improving communication links and training around that, these are not things that are alarming. The way you introduced it as not a matter of trying to make everybody feel edgy and suddenly we are in an armed camp, but they seem to be all pretty reasonable things to try to do. I do not know what the ultimate price tag is going to come to be. We saw an estimate, but a lot of them do not look like really expensive things to do. They look like the steps one would want to take.

Police Chief Visalli: Yes, a lot of them are free. A lot of them are very inexpensive. Those are the things we are going to go after first, then we will look down the road to tackle bigger projects if we feel it is necessary. We are not saying it is something we have to do, but I would like to at least present to you more options should we decide to go in that direction. There is a shift in this country when all these things started. There was a retired army colonel who began giving presentations on the West Coast. He begins by asking if someone could tell him the last time a child died in a fire in a public school in the United States. Nobody in the room could tell him because it was prior to 1952. Why is that? Because we realized it was a danger. It took years, but we took all the necessary steps. We developed flame-retardant materials, we put stand pipes and fire extinguishers in the schools, and the children can get out of the school in a fire drill with their eyes closed. What Homeland Security is trying to do now is get everybody into that mode for violence, whether it be in the workplace or school or anywhere else like a mall. So people are just aware. We do not want people walking around on edge all day, but they have to be aware.

Village Manager Frobel: The idea of risk assessment, I hope when you look it over and I know you have, I think we did it very thoroughly. I am very proud of this piece of work because we spent a lot of time going through a series of standards, offering comments, and assessing risk. That is what it is about. We know there have been no events, but we need to determine where are our vulnerabilities and what steps should we be taking. Part of it, in our meetings with department heads, is just raise your awareness of dangers around you. What is around you? Is a door open, who just walked in? We have taken simple steps by just locking the back door and asking our visitors to come in the front way so we have a better opportunity to see a little longer as to what your business might be.

Police Chief Visalli: It may be as simple as, at some point, just employees wearing an ID tag. Not that we want our employees to get into confrontations with people, but they do this in the school. Confront somebody in the hallway who is not wearing an ID tag. Excuse me, can I help you? How did you get in here? If there is a further issue, you sense something else is wrong, you call us and we will handle it. But those are just some really simple things that can be done right from the get-go. Like the Manager said, just locking doors and funneling people certain areas we would prefer them to come through so they are more noticeable, more visible.

Village Manager Frobel: All right, then we will proceed. Any questions the Board has as we go through it, please bring it to our attention immediately. There is a lot of good work here, and we have some more things we need to do. The main thing is to protect our people and be aware of our surroundings.

Police Chief Visalli: I would like to thank the Manager. Aylone Katzin did an amazing job for us. He created all these assessment forms, he took care of all the data. There was a lot of backwork that went into this. Raf Zaratzian was very helpful as well, as well as all the department heads and Sergeant DeBlasio in pulling all this together in a short period of time.

Trustee Walker: It is extremely thorough. Really an excellent job.

Trustee Armacost: And thanks to you for leading the effort.

2. Firefighters' Parade

Village Manager Frobel: But before you leave, Chief, still on the Managers report, in your packet the Board received the preliminary scenario for no-parking Saturday. As you know, Saturday is a very big deal. Since that time, over the weekend and Monday, Tuesday and as recent as this evening, this has been continuing modification to that. I asked the Chief to spend a few minutes about how we are trying to accommodate not only the visitors who are going to come to the parade, our residents, and the big wedding on Saturday as well.

Police Chief Visalli: Yes, that was an added bonus.

Village Manager Frobel: But, Chief, if you could, the latest scenario as to where the no-parking will be and where we are asking people to park?

Police Chief Visalli: This parade is about three or four times the size of our Memorial Day parade just in terms of participants. We are expecting over a thousand first responders from 30 different jurisdictions, which is about half of what they originally expected. The parade is going to last for about an hour-and-a-half. Again, because the parade is much longer we have to take quite a bit more parking. Most of it is on all of Warburton Avenue, during the parade. All the municipal lots will be open for parking: Boulanger Plaza, Steinschneider, the post office lot. We have arranged with St. Matthew's school to have parking in their school parking lot. On the west side of Maple Avenue we are going to allow parking. We realized we could not take both sides of the parking there.

So we have made as many spots. I know Ms. Topilnycky was talking about disabled parking. All the regular disabled parking is still available in all of those lots. In addition, we are going to use Broadway from the Dobbs line on the west side, which we do for the temple when they have their services, all the way to Warburton Avenue. Draper Park will also be open for parking. I do not know how many shuttles the fire department is going to run to get participants back and forth, but we have provided as much possible parking as we can considering the size of the parade.

Village Manager Frobel: There will be heightened security during the event. The Chief has been working with Westchester County in terms of supplementing his force.

Police Chief Visalli: In light of last weekend's events we have modified some of our security plans. On Friday evening, for the block party, we have decided that we are going to search bags and coolers and anything else people are going to bring into the venue. They will be asked to enter through the Spring Street entrance or the Villard Avenue entrance. The Chase Bank parking lot will be fenced off and we will have somebody posted there directing people where to come in. It is not something we choose to do lightly, but we also realize that we are at a phase where these are things that may be necessary today. One of our concerns in law enforcement has always been that the types of violent events would trickle down to local, and it has as was seen in New Jersey. People going to a 5K run in Seaside Park, never expecting that three pipe bombs would be waiting for them. Again, it is not something where we want to alarm everybody. We do not have any credible threats here, we are not expecting any threats. But in terms of enhancing security we have also asked the MTA to bring a couple of bomb-detecting dogs for us to sweep the parade route before the parade Saturday.

Village Manager Frobel: When you realize, and the Chief reminded me, we are going to have hundreds of first responders here.

Police Chief Visalli: Approximately a thousand.

Village Manager Frobel: We are going to have a lot of people here that could make a difference in saving lives in their community. If they were to be harmed, the disruption that could occur.

Police Chief Visalli: Also from Westchester County we got 15 sheriff's deputies that are going to assist us manning some of the traffic nodes and have some extra presence on the street. And yes, we also are well aware that police, military and any first responders are always targets today. There are going to be over a thousand of them in our jurisdiction so, obviously, we feel a need to protect them as well as the public. We are also expecting between 2,000 and 3,000 spectators. Then it is going to move down to the park. We will be pressing our marine unit into service, as well. They will be out in the river. So we are taking as many precautions as we can. We do not ever want to come to the point where we have to start postponing or canceling events like this, but we have to do everything we can, obviously, to make sure everybody is safe.

3. Commercial Refuse Collection Report and Proposed Fee Increases

Village Manager Frobel: The second topic I wanted to touch upon this evening is the report we presented to you, again, conducted over the summer months: commercial rubbish collection. We looked at our commercial trash operation. We looked at the fees charged. And we also conducted a thorough field audit of the accounts we already pick up trash for. We found, as indicated in that chart, some inconsistencies where there had been some changes over time from the volume of trash we collect. And also from the businesses. New businesses had come into the community in the meantime, and we had not been keeping current with the estimate as to trash pickup or the frequency.

I should indicate that this was prepared, in large part, with help from Brian Schnibbe, who is the driver collector in the downtown area most familiar with the route. Certainly the primary source for information in terms of the audit. Work that I did in the field and what I have observed, and Shelley Foxman, the finance clerk, who pulled together a number of the quantities. And she, of course, is involved in the billing. As I noted, the fees had not been adjusted since December of 2008. At that time, I believe the methodology I used in determining the cost analysis was still sound. At that time, I looked at wages, benefits, vehicle maintenance, vehicle depreciation, and vehicle purchase, along with the operating expenses of oil and gas, and of course the tipping fee. Over those intervening years there have been some substantial increases. The tipping fee is up nearly 10 percent, the cost of providing the pensions and fringe benefits to our employees is up nearly in excess of 100 percent, besides the wages.

This was long overdue. My reason for not pursuing it as you would have expected, say, in 2009-2010, there were some difficult financial times, the cost of living was relatively stable. I knew this was overdue, something I should have recommend to the Board awhile ago, but I think we went about it the right way. We, again, looked at all our expenses. What we are going to be recommending to you perhaps at your next meeting is a modification to the fee structure. To increase it, on average, it comes to an increase of \$20 per yard. We have raised it from \$20 per yard to \$25 per cubic yard. A modest increase in the scheme of things from it can yield for the community. It would make a big difference. We could see our revenues in this line item going up about \$20,000 if you agree with the rate increase we are proposing. And it would make a difference terms of the operation.

I would keep this more current. Hopefully, the economy stays strong, our businesses stay strong, and we can convince the Board that we need to keep this closer to our actual cost. Again, this lag was due to a variety of reasons, but we are suggesting this increase go into effect at the end of the year, or first of the year beginning in January.

Trustee Armacost: Does this cover our costs, or are we still subsidizing?

Village Manager Frobel: No, we believe this would cover that portion of our cost to pick up commercial trash.

Trustee Armacost: Actually cover it, 100 percent.

Village Manager Frobel: AS close as a non-cost accountant can figure out. Coming up with a rate cost this is fair, and it should cover those items I spoke about: the wages, the depreciation, the cost of the vehicles, all the elements that go into determining a rate to come very close to what we think it should be.

Trustee Walker: One of the things you pointed out is that a number of businesses have not been charged, maybe new businesses, so those inconsistencies are going to be addressed as you go forward. But then you also mentioned in the report that there is sometimes confusion between the residents' trash and the business trash, and sometimes it all goes into the same containers. Is there a way to distinguish, is there a way to require that businesses have a particular type of trash can. Maybe we order it for them, we get it at a discount. But something that you recognize them and they are completely separate from the residential containers. I would be interested in knowing what other municipalities do in that regard.

Village Manager Frobel: It is something we are going to have to address because there are a few isolated instances where the residences above the business blend the trash in. The shop owner is picking up the charge. The inconsistencies are being corrected immediately, regardless of what you do on the fee. We have identified those 15 or 18 businesses that are paying too little or are not being charged appropriately. That is happening immediately. We are not going to wait for whatever action the Board decides.

Trustee Walker: So everybody is going to be treated the same, which is important.

Trustee Lemons: Fran, where do you see the landlord responsibility in this? Because those instances where you do have residences above is something that needs to come to the landlord as an accountability issue. It is not fair to the businessperson there because they are not making any money off the residential part of that building. It is the landlord, and the landlord is getting away here with not managing that situation in providing for the residents properly. It is that, but also somehow making sure that residents abide by that. How do we address that? Because it seems like that is kind of where that has to go.

Village Manager Frobel: I am not sure. It is a problem. I have already briefed Barbara Prismament on this, letting her know what is being discussed this evening. It is obviously not her burden to inform the business community that the Manager is suggesting these fees

go up, but I wanted her to know. I will work closely with Barbara in identifying those businesses that see that occurring to them, that they are being charged for trash that is generated from the people upstairs. Can they help me in isolating it and pulling it out.

In my cover letter to the businesses, for those that are getting bills now, I need to remind them to do themselves a favor and pull out the recyclables. For those that we identified, we know there are recyclables mixed in with their trash and they are going to be paying for it unless they take steps to pull it out. When this first went into effect in 2008 there was the devil to pay because I was recommending fees that went up maybe not 100 percent but dramatic increases. I met with the businessmen, and many of them I told to pull out the recyclables. For example, the laundromat was throwing in all the plastic jugs and all the paper. He was paying for it. So some education. In the letter goes our standard form, which indicates what is recyclable and what is picked up for free. So we are hoping that will work. But we are going to need to do some outreach.

Trustee Walker: How do you determine exactly how many square feet or cubic yards?

Village Manager Frobel: They are billed monthly, and if they have between one and three barrels a month they have to charge.

Trustee Walker: But our people have to do the counting.

Village Manager Frobel: Yes, they do.

Trustee Walker: Right. So every time they pick it up.

Village Manager Frobel: They did initially, they did back in '08 when we first proposed the increases. And they did it over the summer months to verify our numbers.

Trustee Stugis: It probably invites the business owner to challenge the volume assumption.

Village Manager Frobel: It does. Once the system gets in place it is trouble-free. Most of them agree with the volume. There is usually not a dispute.

Trustee Walker: Usually they are pretty consistent in what they put out then.

Village Manager Frobel: It is consistent. But what we did identify in that report, you will note, there were five or six that were, for lack of a better word, being overcharged. They have made changes in their business practices which will now qualify them for a lower monthly fee.

Trustee Lemons: That commingling thing is going to be challenging. I followed the truck down Warburton about a week or so ago. It was Monday, and I know Monday is a problem because the stuff builds up on Monday. As you write in your report, there were bags that were not in cans, and there were a lot of them and stuff was really piled up. I do not know whether that came from residents or what that came from, but I know that is a piece of what everybody finds really unsightly. That is bad behavior, and the problem is whose bad behavior and how do you address it. Brian was driving the truck, and I hopped up and said is this kind of what you usually see. He said yes.

Village Manager Frobel: It is a problem. We were aggressive over the spring and summer months along Warburton identifying a number of locations where trash was just thrown in the street not even in bags. Many of the residents complied. I think one or two had to go as far as municipal court. The downside of that was that many homeowners bought barrels that were too big, too heavy for the drivers to handle. With our new truck the Board went to the expense of having the device in the back which will assist them in lifting the barrels. That, we think, will help. But it is still a problem in terms of barrels that are too heavy for the men. We are still trying to address some of those inherent difficulties in the operation. We are always going to have these types of problems, but the idea is to minimize them identify them and, hopefully, bring about corrective behavior. Residents often will tell you the only real service they ask is trash pickup. I do not use the library, I have never relied on the police, I do not need the fire department as such. All I ask you to do is pick up our trash. That is why we try to be as effective and trouble-free and non-argumentative as we can. That has come at a price because we have picked up heavier than normal loads, we have given them breaks where there is more bulky waste up there than should be. We do everything we can to accommodate the homeowner in that need because that is a very basic service.

Trustee Walker: And now you are doing bulk pickup at the same time a normal garbage pickup, so they get more than they bargained for.

Village Manager Frobel: Right, try to make it even easier. The thought is, if the homeowner is cleaning out the garbage on Saturday, he would like to leave it at the curb for his Monday or Tuesday collection rather than have to call and say no, we will be there on the last Thursday of the month. Well, OK, this is going to end up somewhere. It is either going to sit in front of my house and upset my neighbors and my wife, or you are going to pick up sooner than later. And those suggestions, by the way, often times come out of the workers themselves. The people out there are the eyes and ears, and I rely on the drivers and collectors who come to me with suggestions that I bring to your attention because they need some correction.

Trustee Armacost: Do we enforce situations where we should be fining people?

Village Manager Frobel: We are soft on enforcement, I will be the first to admit. We could be stronger, firmer. We could bring out the fines and fees. We have not been as successful in municipal court when we have issued appearances to the court.

Village Attorney Whitehead: We just had one resolved with both compliance and a fine.

Village Manager Frobel: But it only takes a few examples of that where folks will get word out that we have been successful in enforcement and you should comply. But we could do better. Our fines are low, too. There is a range, like \$25 to \$250. One of the recommendations is going to be to strengthen that, but first let us enforce it. We need to do more.

Trustee Lemons: What that communicates is that we are serious about it, it matters to us, and no matter what we will always get lax if there is a sense that, I guess nobody really cares about this so let us put another bag out here. My sense is that there is a fair amount of frustration about trash in the downtown and how much there is. It is time to get that message out, and that we really do not want that.

Trustee Walker: And it is setting expectations. That is just as important because people may not know what our expectations are or what the laws require. So alerting them is important, and then enforcing it.

Village Manager Frobel: There are a few other changes in there. We are very soft on how soon before the day of collection can you bring trash to the curb. That is going to be a recommendation we need to look at. Because when the men come in on Saturday and pick up the downtown, and I have had this conversation with landlords, and the tenant upstairs has taken off on the rent. He is leaving Sunday morning, and on the curb is the mattress, the end table, the broken lamp. It sits there till Monday, and it looks like the devil.

I saw just a few weeks ago where someone must have moved out of a property on Main Street. Leaning against the building is the mattress and box spring, which was going to sit there till Monday. In that case, we should have pursued going after the landlord and saying I know the tenant left on you, he gave you no notice, took you for the rent and left everything on the curb. Here is the summons. That is the breakdown. Because I have had that conversation. The landlord lives in Tarrytown, she did not know, she is awfully sorry. Can I send a man down? Well, no, it is Monday morning now and it is gone. I did not call you Sunday. Perhaps I should have, but no.

Trustee Armacost: Well, you are supposed to be on holiday on Monday, too.

Village Manager Frobel: This is the problem, you know. It is a team effort. Because I am going to have to get the police involved in that case, where they are going to have to make the notification to the landlord and say you got a problem here Sunday, what are you going to do with this? And then issue the notice to appear. But we are going to have to make that decision as to how tough we want to get on trying to enforce these laws.

Trustee Lemons: There is profit to be made in owning properties and being a landlord, and there are responsibilities. That is tough, but you cannot ask other people to take that responsibility. I You are not going to share the profits with them. That sounds tough, but I think that is how it works. I am a landlord and that is how it works for me.

Village Manager Frobel: That will be our commitment, to get tougher on the code.

Trustee Armacost: Dan and I had a meeting, with you with Elisa and Brian and Mike. I wondered how some of the recommendations came out of the removal of the garbage.

Mayor Swiderski: I have asked for a more cohesive presentation next meeting.

Mayor Swiderski: I want that on the agenda and she needs to prepare for it so it is not piecemeal.

Trustee Lemons: Some of that data is still coming in to put that all together.

Village Manager Frobel: We will talk about it because part of it is our effort is to tidy up the downtown. We know that, and I have got a commitment, I have got a man working 15 hours a week doing a wonderful job for us. We are already getting good, positive feedback from businesses. We will need to talk about removal of some of these barrels from the downtown. You and I have talked out whether it seems counterintuitive to me. I am trying to keep it cleaner why I am going to remove these barrels. Again, it might come down to enforcement. Because that tenant, again, who lives above the building has a right to bring his trash to the street. He just needs to know that it cannot be mixed in with our barrel. It should be off to the side in a separate container. So there are some policy things we are going to need to talk about, perhaps at the next meeting.

4. Town of Greenburgh Revaluation Phase-In Program

Village Manager Frobel: I have one more topic. I need to inform the Board about the program we just ended last Thursday. We did not, but the Town of Greenburgh ended it. That is the phase-in of the revaluation properties that were in excess of 25 percent. I want to give you a few numbers, and I am going to put it into a written report to you. Of the 891

eligible properties in Hastings-on-Hudson, our Building office fielded either by phone, e-mail or stop-in about 300 inquiries. Of those 300, 150 inspections were conducted. In other words, 150 properties our inspectors went out in the field and did a thorough re-inspection of the property; a safety inspection. They were doing, they were comparing the property card we have on file and what they saw in the field. Of those 150, there were upwards of 20 letters supplied in terms of those pre-date letters. In other words, we agreed that work that was done was probably conducted prior to COs being issued. About 130 of those initial 150 I talked about the process stopped. After the inspection, the homeowner was convinced that, you caught me, I did do the basement, I have added a bathroom. It is not on your card, there was no permit, there is no certificate of occupancy, we are done here.

I do not know, and I asked the question of our assessor, how many Hastings-on-Hudson residents went to Greenburgh on their own. In other words, they have the CO in their file, they are in the STAR program, they let Tyler do an inspection, their taxes are up to date, I do not know. So of the 900 I am unaware, but I t know we fielded upwards of 300 that came in.

Mayor Swiderski: So 20.

Village Manager Frobel: Twenty went through that process and convinced us they had their work in order and appeared to be eligible. Now, that is a big thing. A lot of people are going to Greenburgh, filling the form out with all the data. It is their call. We have no involvement, no influence trying to convince them one way or the other. We just simply gave them from our file. Now, some people came in and, luckily, we had on file a copy of their certificate of occupancy. Often times people would call, of those 300, and we tell them go look at your closing documents, you are bound to have that in the file at home somewhere. Just pull it out and produce it. That ended the conversation as well so, hopefully, they went out on their own.

This put our department behind, by our estimate, about three weeks in their inspections and in their normal business activities. They have done a terrific job throughout this entire process, by trying to be accommodating those residents who have building permits out there who want the inspection. Why is it taking a week to get out there, or 10 days or longer, and they are trying to catch up now. Just for an order of magnitude that is what the department faced over, a four-week period.

Trustee Armacost: And through all that they were dealing with a lot of solar projects. I know that they have been very busy on that count as well. So we owe them a big debt of gratitude.

Village Manager Frobel: Very good point. They really did a nice job.

Trustee Stugis: I have seen her a couple of times on Friday night, 7 o'clock, Saturday 10:30 in the morning. They are in there just jamming.

Village Manager Frobels: They really tried to make it work, and now it is in the hands of Greenburgh.

Trustee Lemons: That is a huge number of extra inspections.

Village Manager Frobels: It was really inconceivable. I have been, obviously, monitoring it with Buddy. But when I got the final report, I said you have to tell me. I have a Board meeting Tuesday, the Board needs to know what this meant to the community and the staff.

Trustee Lemons: And there are often more than one visits involved in these. They go out, then they have to go back again. Because in some cases there were corrections that had to be made.

Village Manager Frobels: I was amazed at the number that were identified as having done work different from the card versus what they saw.

Mayor Swiderski: So what happened in those cases? There will not be a reassessment in those people.

Village Manager Frobels: No, done. We do not go back.

Trustee Stugis: We are not prosecuting.

Village Manager Frobels: Nope, we are not going back. No, done.

Trustee Armacost: So are you saying that the bottom line is that there are only 20 families or kind of homes that are going to be saved in.

Village Manager Frobels: No, I do not know how many went directly to Greenburgh.

Trustee Armacost: Twenty that you know for sure, but that is very small. Meaning that the rest of us are only subsidizing 20 people.

Village Attorney Whitehead: Well, no. You are subsidizing people from throughout the town.

Trustee Armacost: Yeah, we know of 20. There may be some more.

Village Attorney Whitehead: And that is outside your school district.

Mayor Swiderski: On the county, not in the school.

Village Attorney Whitehead: Except there are people in the school district who are not in the Village.

Trustee Armacost: Very few. Are you talking about Clarewood?

Mayor Swiderski: Right.

Trustee Armacost: But those are highly unlikely to be Donald Park area, and mostly not going to be in that situation I doubt.

Trustee Walker: How many people have their C of Os up to date and they just went directly there?

Trustee Armacost: We don't know for sure. But we know for sure there will be 20.

Village Manager Frobel: I mean, I know four people that had everything in order and did not even need to call downstairs. They just went to Greenburgh. That I know for a fact.

Village Attorney Whitehead: I would assume, at some point, you would be able to get a number from Greenburgh.

Village Manager Frobel: Susan wrote on my behalf, and I would have thought she could have just said it is right in the computer, we got 300. But we have not gotten that number.

Village Attorney Whitehead: Because they publish the number they got town-wide.

Village Manager Frobel: At a point. He did like a mid-point thing. We have got like 300.

Mayor Swiderski: Three hundred and something. It was quite high.

Village Manager Frobel: Something like that. I have that news release that Paul sent out.

Mayor Swiderski: Where in the cycle do we have to pull the trigger on adopting the town roll as our own?

Village Manager Frobel: I thought your goal was to go one full cycle with it. I assumed our next budget cycle would use your Village roll.

Village Attorney Whitehead: There are actions you have to take, and there are two different ways to do it. You can adopt the town's roll as your own roll, or you can cease to be an assessing unit, which is, for instance, what Irvington did years ago.

Village Manager Frobel: Right now, action items should be occurring if you want to use the new roll for next year's Village budget. And Edye would like to come out here and talk about it again.

Mayor Swiderski: Completed by December 31.

Village Clerk Maggiotto: Everything, but there are things you have to do before that.

Village Manager Frobel: I thought I understood ...

Mayor Swiderski: You did. But I am just asking if we were to consider that, have we passed a deadline. And it does not sound like we have.

Village Manager Frobel: No, I would say weeks to begin the process if you wanted to use it for next year's budget.

Village Attorney Whitehead: I think if you wanted to cease being an assessing unit you might be too late because that requires a local law and a permissive referendum.

Village Manager Frobel: What if we want to just adopt Greenburgh?

Village Attorney Whitehead: That takes a little less time. I do not know what the timing is on that. The benefit to ceasing being an assessing unit is you do not have to pay an assessor. You do not have to keep the roll up; the town is keeping the roll up.

Trustee Armacost: How much would it save it, do you think?

Village Manager Frobel: Like \$15,000. It is not much.

Village Clerk Maggiotto: We also need to have our own certiorari attorney?

Village Attorney Whitehead: That is the other thing. You still will for awhile because of the old tax certs. But going forward you do not have to defend the new tax certs. We did this for the Village of Mamaroneck a few years ago, and they are split into towns. So after both towns completed their revaluation they did it. Really complicated there.

Trustee Armacost: What do you think is the best option? It sounds like you are leaning toward giving up ...

Village Attorney Whitehead: Here is the one downside that happens. On the new tax certioraris you can, to some extent, lose a seat at the table because you are not a party. But you could end up having to pay a refund. For the Village of Mamaroneck we have been trying to get legislation adopted that would still give you a seat at the table because you run a risk. That is the primary downside.

Village Manager Frobel: Susan, is there not a lost value? In other words, you explained to me the concern that those Hastings taxpayers who grieve their taxes ... how was that scenario again, where it would go down and we would never be able to recapture the loss?

Village Clerk Maggiotto: That is when we do nothing.

Village Manager Frobel: Right. If we do nothing, what is the exposure? That was the number we were trying to get from Edye. What is the exposure of values we would lose if we do not adopt Greenburgh's rule now?

Village Attorney Whitehead: You have to look at the difference between your roll and what they have the Hastings properties valued at, essentially.

Village Manager Frobel: I think we are trying to figure that out. I think we had asked that question.

Village Attorney Whitehead: You have got to levy the same amount. It is more how it is divvied up.

Mayor Swiderski: The proverbial Play-Doh, which everybody hates.

Trustee Armacost: But it sounds as if one option involves other extraneous costs of various people that have to be paid, versus the other option where you save on paying that. I am wondering if there are some hidden costs. On face value, it sounded as if it was less expensive for us, and more effective and more efficient, to give up the role of assessor. But I am wondering if there are hidden costs in there that we are not seeing. Because it would be

great to not have to do the work and also not have to pay \$15,000 or \$20,000 or whatever it is. But if there is other work which has to be done which involves other costs, then we need to know what we are doing.

Village Attorney Whitehead: The main cost is what you could end up paying in refunds without being a party to the negotiations.

Trustee Lemons: But the town is incentivized to fight those. It is not as though we would be at cross purposes.

Village Attorney Whitehead: There are some instances where the town refund may be less so they are a little less incentivized. School districts are the big ones, and they do have a seat at the table.

Village Manager Frobel: But I think the philosophy of having gone through this exercise was to reduce the number of tax certioraris anyway. So the exposure should evaporate dramatically.

Village Attorney Whitehead: Either way, whether you adopt their roll or cease being an assessing unit. Irvington ceased being an assessing unit. Did Ardsley?

Village Manager Frobel: Yes, Ardsley.

Mayor Swiderski: Do you want me to pursue that conversation?

Trustee Armacost: With Mamaroneck, you are saying we are trying to pass legislation. So what is impeding you? Is it time?

Village Attorney Whitehead: It is the New York State legislature. It has got to go through to the legislature.

Trustee Armacost: I am saying there is nothing locally that is impeding you.

Village Attorney Whitehead: I can find out what the status is on that, if it has moved at all. We have done some of this analysis, and I can pull together some of the analysis we did for the Village of Mamaroneck when they decided to cease being an assessing unit. They were paying their assessor more, they are a bigger village so their savings were greater.

Trustee Lemons: The other thing we have not mentioned is an advantage is that if that reassessment is a fair assessment then everybody benefits from that, and that is important.

Village Attorney Whitehead: You do have an additional saving. You save on the \$15,000 or whatever you are paying an assessor a year. You are paying an attorney to do your tax certs. And where that will continue for a few years because tax certs go on for many years; you will be reducing the amount because you will not have the new ones.

Mayor Swiderski: You take a year of risks on certs out of the system, and that is not nothing. That could be compelling in its own right because no matter what inequities are baked into the new assessment it is fairer than the current one. So we may want to think about it hard.

Village Attorney Whitehead: And I think, Susan, you said Edye wanted to come in and talk to them about the options?

Village Manager Frobel: Yes, she has offered it quite a few times. We could have her next.

Mayor Swiderski: Can we schedule that for the next one?

Village Manager Frobel: Sure.

Mayor Swiderski: If we want to move quickly on it, on the chance that we want to do it.

BOARD DISCUSSION AND COMMENTS (Continued)

2. Update on the Building 52 Demolition Permit Application

Village Attorney Whitehead: We have gotten the responses from ARCO. I think your consultants are satisfied with what they have agreed to incorporate into their demolition plans. Mark Chertok and I have been having some discussions on preparing a draft negative declaration for your consideration for the October 4 meeting, together with a draft resolution on the demolition permit. Of course, any approval you give on the demolition permit is going to be subject to your Building Department being satisfied on the type of administrative things they require, and BP complying with the items they have agreed to amend and put into the plan.

But we are hoping. They still do not have approval from the other agencies. Mark spoke to someone at the EPA who said they were getting comments. It is our preference to wait at least until the EPA comments are out, which Mark thought would be this week. We do not want to be inconsistent with what the other agencies are looking for.

Trustee Lemons: How about the DoH?

Village Attorney Whitehead: I think with the DEC they are on the second round, but I do not think the DoH has yet commented. I will double-check on that. But we want to make sure, go with the DEC because they are into a second round. But we want to check on the DoH also. We do not want to get too far out in front of the other agencies because we do not want ARCO agreeing to do something for us and then having one of the other agencies changing that. We are aiming for October 4, for you next meeting. You will have it the week before.

Mayor Swiderski: Good. And is there something to be shared with the public, as well? Can we post a demolition permit as filed?

Village Attorney Whitehead: It is not going to be the demolition permit. The demolition permit will ultimately be issued by the Building Department. You will have a draft negative declaration and a draft resolution.

Mayor Swiderski: I am referring to the application by BP.

Village Attorney Whitehead: There has just been the correspondence at this time, and it says the changes they are making. They are not ready to submit a new plan yet because they want everybody's comments. Has that correspondence been posted, Fran?

Village Manager Frobel: Not to my knowledge.

Village Attorney Whitehead: Len and Mark have it all, but we can certainly post that.

Mayor Swiderski: Determine what can be posted.

Village Manager Frobel: Please advise Susan and just let us know.

Mayor Swiderski: What is the earliest we could expect it? It may very well happen later.

Village Attorney Whitehead: Yes, depending on the other agencies.

Trustee Armacost: So we finally got responses.

Village Attorney Whitehead: This was the second round. They responded once. We went back to them, they responded again.

Mayor Swiderski: In the last meeting we were concerned. Whether it was a summer thing or something else, I cannot comment. I can say that we have everything we want.

Village Attorney Whitehead: They are now in communication and working with us.

Mayor Swiderski: Right, so I will note it. Accept it, and assume our relationship remains as it was. And moving forward, that they will be as responsive as they have been in the past.

Trustee Stugis: I will not be here October 4 for that meeting. If everybody is here you have a quorum, but this is a pretty big decision for the Board. So if it desirable to have everybody here voting you might want to push it.

Trustee Armacost: Well, it sounds as if it might be tight anyway. It seems as if some other stuff needs to get in.

Village Attorney Whitehead: So is everybody here on the 18th?

Trustee Walker: There is a possibility I will be away.

Mayor Swiderski: I do not want something beyond that. Let us see where we are. I am not eager to see this go too much longer. Ten months ago we started this process and it is time to draw it to a close. It is long enough.

Steven Siebert, 138 Hamilton Avenue: Are you saying that the negative dec and other things will not be posted before the meeting? They will be posted before the chance for public comment at the next meeting, not afterwards.

Mayor Swiderski: We were not seeking public comment. We are going to post it.

Village Attorney Whitehead: Right, they will be posted as things typically are.

Mayor Swiderski: There is no public comment session.

Mr. Siebert: I understand that, but you have public comments at times at the Board of Trustees meeting. So people who want to comment on October 4 or October 18 will be able to do so after having read, instead of that being posted after.

Mayor Swiderski: Yes.

Mr. Siebert: You are talking about it afterwards.

Mayor Swiderski: Yes.

3. Update on the Shoreline Committee

Trustee Walker: We have some good news, we are really moving forward. A little background, the Village is interested in creating a concept plan of the BP shoreline. This looks at the shoreline stabilization, looks at recreational uses and water-related uses, where we want to have things, trails, and so on. We agreed with BP that we would give them a concept plan which they would take into account when they were doing their remedial design and get their design for the shoreline, because it is going to have to be reconstructed. We are looking at as much as 100 feet of riverfront, 100 feet wide and the length of the BP property.

We have received a grant from the DEC estuary program, with a small Village match, to hire a consultant. We have selected a consultant, we are in the process of finalizing the contract, Linda is reviewing the contract. We are finalizing the scope of work with the consultant. We had a conference call yesterday where we went over the details of the scope of work. In the meantime, we are setting up meetings. We were happy that we heard from Paul Johnson, who is our BP rep. He is going to be in town next week and meet with us the evening of the 26th. We cannot get our consultant there. She is out of town next week, and it is too short a notice to get other stakeholders involved. But it is great that we can have a meeting with BP and ask them a lot of questions in terms of their remedial plan, in terms of their timeline. We know that they need to follow the ROD that was given to them by the DEC so we want to talk about that. There are a lot of questions we have for them: materials we need, drawings, sections, surveys and so on that our consultant could use.

Then on October 6 we are going to kick off the project with the consultant, and we are inviting all the stakeholders. Stakeholders, besides BP, are the DEC remediation unit, the DEC estuary program, Fish & Wildlife, marine resources, Army Corps of Engineers, Scenic Hudson and Riverkeeper. As soon as I hear the DEC can come, and their partners, then I will reach out to these other agencies. We do not know if we can get all of them to the table, but the idea is that we need to hear from everybody in one way or another. If we cannot get the stakeholders there we are still going to have a kickoff meeting. We are going to do a little tour of waterfronts in the vicinity with the committee, and if they need to come back for a stakeholder meeting they have agreed to do that. We know we need input from the stakeholders, but we are not going to let that hold us up. We are going to keep moving ahead on it.

They are going to review all these documents, we are going to prepare for a community meeting. We do not know when that is going to be, but the community meeting is going to look at all these alternatives, different ways of treating the riverfront, different ways of providing river access; trails, vegetation and so on. We will have a lot of materials for people to see ahead of time so they can come to the meeting prepared to talk intelligently about various alternatives we could see on our waterfront shoreline.

Mayor Swiderski: Great. Congrats. Part of *The Enterprise* reporting included reporting on a conversation with somebody at BP who characterized a lack of interest in this effort.

Trustee Walker: On their part.

Mayor Swiderski: Yes. I had a conversation with BP about that, and it stems from a misunderstanding in your scope. They understood it as the placement of parks on the whole property. I said we are talking about the shoreline, and these are matters relevant to the shoreline and we are not configuring the entire property.

Trustee Walker: No, we may need to think about parks just tangentially. But that this not our primary concern. I thought our scope was as specific as we could be.

Mayor Swiderski: At least verbally it was been walked back, and their participation, I think, is evidence of that.

Trustee Walker: Good. When we meet with Mr. Johnson we will go over what we are doing. We will go over our scope.

Mayor Swiderski: Right. You are saving them effort they would be obligated to carry out anyway. Much of what you are doing is far more technical than I think you must, and they should, do. But it is good that we are doing it together.

Trustee Walker: We have this team of consultants custom-made for this project. The engineers have a tremendous amount of experience with restoring remediated sites of all different sizes and shapes and degrees of contamination. They also have a lot of experience with figuring out how to deal with sea level rise, flooding conditions, and vegetating the shoreline; where it works, restoring wetlands, creating new wetlands on a pretty large scale. I am comfortable they are the right people. Also, our project director, Amanda Ludlum, worked as an advisor to Exxon Mobil on the remediation of their site so she is familiar with that site. Then we have a landscape architect who has done a lot of work with communities of very similar size on different types of shorelines. I think it is really a good team.

EXECUTIVE SESSION

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel issues related to boards and commissions.

ADJOURNMENT

On MOTION of Trustee Armacost, SECONDED by Trustee Lemons with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:25 p.m.